(3) Civil Justice.

34. Reforms in the Judicial administration of the State.

Mr. K. C. Madhavan Pillai (Member, Ambalapuzha taluk) said that, under the existing rules, *villanga* or encumbrance certificates showing the encumbrances, if any, on immovable property for the 12 years previous had to be obtained from the registration offices and produced before courts, before a property could be brought to sale. The certificates as now given were imperfect and valueless, because, firstly, it purported to say nothing of the encumbrances on the property for the period anterior to the 12 years and secondly, it not only did not contain a declaration of the Sub-Registrar vouching to the accuracy of the facts entered in the certificate, but what was worse, there was a distinct statement usually made in it that the Government was not responsible for any mistakes or omissions therein even in respect of the 12 years covered by the certificate. Added to it, there was also the trouble that the applicants or their agents had themselves to wade through the registration records and gather the particulars of encumbrances relating to the property in question. The Member therefore requested that the certificates should either be dispensed with or the grant of a proper certificate, mentioning *all* encumbrances on the property with the Sub-Registrar's declaration vouching to the correctness of the entries, enforced.

He next dwelt at length on the delay in getting copies of records from civil courts and suggested that elaborate rules, fixing the time within which the records should be called for by the examiner and supplied by the record-keeper, and copies granted to the parties, should be prescribed and enforced. It was also necessary to maintain in every court a register showing all particulars relating to each application. The presiding officers of the courts should be required to examine the register once a week and enforce the grant of copies within the time prescribed. In that connection, the Member also suggested the necessity of insisting on the copyists writing the minimum number of words, *viz.*, 175, on each page, to avoid pecuniary loss to the applicants. He added that the pay of the copyists should be improved and some prospects of promotion also held out to them.

Lastly, the Member suggested the desirability of appointing temporary Additional Judges for short periods to clear off the arrears in some of the courts.

Dewan's reply.—The Member's remarks will be referred to the High Court for opinion.

35. Suggestions for the removal of certain irregularities in the Civil Courts.

Mr. Narayanar Janardanar (Member, Jenmi, Trivandrum Division) said that the summonses in the first trial of civil suits were often not personally served. The cases would in consequence be disposed of *exparte*, and when execution proceedings were initiated, the owner of the property for the first time appeared on the scene and preferred an objection and the case was at once retaken on the file. To add to the inconvenience of plaintiffs, the courts would only decree 6 per cent interest from the date of plaint, and the longer the suit was protracted, the greater was their pecuniary loss. He requested that the Government should find some way by which second trials in such cases could be avoided.

Secondly, he requested that the circulars regarding the grant of copies of decrees and other records should be rigidly enforced and copies ordered to be granted promptly.

Thirdly, he suggested the desirability of employing competent and high paid clerks to prepare decrees, and also insisting on the decrees being made ready within the period prescribed by the departmental circulars.

Fourthly, the Member said that, in spite of his repeated representations, there was no improvement in the kind of men appointed as Court Commissioners. He suggested that proper men with some experience in the Agricultural Department, preferably graduates, should be appointed as Commissioners, and that elaborate rules should also be issued laying down detailed instructions for the valuation of

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